IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1842 OF 2005

M/s. Kuldeep Builders & Anr ...Petitioners

Versus

The Rupee Co-operative Bank Ltd. and Others ...Respondents

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Mr. Uday Warunjikar, counsel for Petitioners

Mr. Kishore Tambe with Ms.Mohini Gaikwad counsel for Respondent No.1.

Mr. S.S. Patwardhan, the learned counsel for the Respondent No.4 Bank

Mr.A.H. Palekar, the learned A.G.P.for Respondeent Nos. 2 and 3.

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CORAM: B. H. MARLAPALLE, J.

DATED: 26TH APRIL, 2005

P. C.:-

1. Heard Mr. Warunjikar, the learned counsel for the petitioner.

2. The Recovery Certificate issued by the Assistant Registrar, Co-operative Societies under Section 101 of the Maharashtra Co-operative Societies Act, 1960 is questioned in this petition. Admittedly the said recovery certificate was not challenged by filing the Revision under Section 154 of the said Act and, therefore, this writ petition need not be entertained

at this stage. The petitioner may approach the Revisional authority as per the law. The petition is therefore, disposed of with liberty as may be available in law.

3. The amount received by the Rupee Co-operative Bank may be adjusted against the final payment or the deposit of 50% as is required under Section 154(2A) of the said Act.

4. The writ petition No. 5139 of 2003 be separated.

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